

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

Civil Action No. 3:16-md-2738-FLW-LHG
The Honorable Freda L. Wolfson

MDL No. 2738

This Document Relates to:

Candice Jenkins v. Johnson & Johnson
3:18-cv-15825-FLW-LHG

MOTION TO SUBSTITUTE PARTY PLAINTIFF

Counsel, pursuant to Rule 25(a)(1) for the Federal Rules of Civil Procedure, moves this Court for an order substituting Ronald Jenkins on behalf of his deceased spouse, Candice Jenkins.

1. Candice Jenkins filed a products liability lawsuit against Defendants on November 8, 2018.
2. Subsequently, after filing the lawsuit, plaintiff's counsel was noticed that Candice Jenkins died on October 20, 2017.
3. Candice Jenkins's products liability action against Defendants survived her death and was not extinguished.
4. Plaintiff filed a Notice and Suggestion of Death on February 4, 2019.
5. Ronald Jenkins, surviving heir and spouse of Candice Jenkins, is a proper party to substitute for plaintiff-decedent Candice Jenkins and has proper capacity to proceed forward with the surviving products liability lawsuit on her behalf, pursuant to Fed. R. Civ. P.25(a)(1). "If a

party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

Based on the foregoing, Ronald Jenkins requests that this Court grant his request for substitution as plaintiff in this action.

DATED: February 4, 2019

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/s/ David Bigelow

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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2019, a copy of the foregoing MOTION TO SUBSTITUTE PARTY PLAINTIFF was filed via the Court's CM/ECF electronic filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

DATED: February 4, 2019

GIRARDI | KEESE

/s/ David Bigelow

David Bigelow